

CWS



AGENDA
CLEAN WATER SERVICES
BOARD OF DIRECTORS

FILED
APR 20 2007
RECORDS DEPARTMENT
Clean Water Services

Agenda Category: Public Hearing ALL CPOs

Agenda Title: CONDUCT A PUBLIC HEARING AND ADOPT REVISED DESIGN AND CONSTRUCTION STANDARDS

Presented by: Bill Gaffi, General Manager (nmc)

SUMMARY (Attach Supporting Documents if Necessary)

Clean Water Services (District) has completed revisions to its Design and Construction Standards (Standards). These regulations, which set the minimum standards for construction of components of the sanitary sewer and storm and surface water management systems within the District's boundary, are adopted pursuant to Ordinance 27. The District's last update to the content of its Standards occurred in February, 2004. The current Standards are contained in Resolution and Order No. 04-9 (R&O 04-9), which were adopted by the District's Board of Directors (Board) on February 3, 2004. R&O 04-9 primarily included changes to the Vegetated Corridors sections of the Standards and substantial changes to the technical Standards associated with pump stations and force mains.

In accordance with the Board's direction, no large policy changes are proposed with this update, although several chapters have been significantly reformatted and reorganized for clarification and ease of use. The currently proposed changes include revisions necessary to meet the requirements of the District's National Pollutant Discharge Elimination System (NPDES) Watershed Based

(CONTINUED)

FISCAL IMPACT: N/A

REQUESTED ACTION: Hold a public hearing on the proposed Design and Construction Standards and, after receiving testimony, adopt the Standards.

(A copy of the Design and Construction Standards is available at the Clerk's desk.)

CWS R007-20

Agenda Item No. 5.a.
Date: 04/17/07

Permit and the District's role as permitting agent for the Department of Environmental Quality (DEQ) 1200-C program regulating erosion control on construction sites one acre and larger. In cooperation with Washington County cities and Washington County's efforts to comply with Goal 5, new language has been added to support low impact development approaches to managing stormwater. Changes are also proposed to increase flexibility for trail placement within vegetated corridors, expand the use of proprietary treatment systems, and to add proportionality criteria to the mitigation requirements for total and partial wetland fills and to the treatment requirements for redevelopment sites.

The proposed changes will become effective for all development applications received after June 1, 2007.

Public Involvement Process:

A comprehensive public involvement process was completed to review proposed changes. During the months between April 25, 2006 and March 6, 2007, twelve stakeholder meetings and three presentations to CWAC were completed. Email invitations were sent to 180 stakeholders representing nearly 100 entities, including conservationists, builders and developers, engineering and landscape consultants, cities, Washington County, park districts, ODOT, and regulators. More than 200 stakeholders have participated in the twelve meetings in addition to District staff. A core group of individuals attended many of the meetings. All meeting notices and notes were posted on the District's website and stakeholders were encouraged to invite anyone who might be interested. Issue papers, draft changes, CWAC presentations, public comments and supporting documents were also posted on the website. Written comments have been received from twenty-two entities, a number of whom have submitted multiple comments. Many of these comments are reflected in proposed changes.

Notice of the final language proposal and this public hearing was published in local newspapers and individually sent to involved stakeholders during the week of April 4, 2007.

A summary of proposed changes to the current Standards is attached. Copies of the complete text of the proposed revised Standards is available at the Clerk's desk and on the District's website (www.CleanWaterServices.org).

1 **BEFORE THE BOARD OF DIRECTORS OF CLEAN WATER SERVICES**

2 In the Matter of Adopting Revisions to the)
3 Design and Construction Standards Pertaining)
4 to the Sanitary Sewerage and Storm and)
5 Surface Water Management Systems,)
6 Including Regulations for Erosion Control and)
7 Protection of Water Quality Sensitive Areas;)
8 Pursuant to Ordinance 27; Repealing)
9 Resolution and Order No. 04-9)

RESOLUTION AND ORDER
NO. CWS 07-20

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8 The above-entitled matter came before the Board of Directors of Clean Water Services
9 (Board) at its regular meeting of April 17, 2007; and

10 It appearing that this Board adopted Ordinance 27 pertaining to the use and operation of the
11 sanitary sewerage system and the storm and surface water management system throughout urban
12 Washington County; that said ordinance provides authority to adopt additional rules by resolution
13 and order pertaining to design and construction of public sanitary sewerage and storm and surface
14 water management facilities, erosion control, provision of permanent water quantity and quality
15 control facilities, requirements for permits for connection to the sanitary and stormwater system and
16 related matters; and

17 It appearing to the Board that Clean Water Services (District) is responsible for
18 sanitary sewer service and storm and surface water management throughout urban Washington
19 County pursuant to Oregon Revised Statutes Chapter 451 and subject to the rules and orders of the
20 state Department of Environmental Quality, that the District is a permittee on the National Pollutant
21 Discharge Elimination System Permit (NPDES) Watershed-Based Waste Discharge Permit for all
22 urban Washington County, and that the District has adopted master plans for sanitary sewer and
23 management of storm and surface water throughout urban Washington County, as authorized by
24 ORS chapter 451; and

25 It appearing to this Board that the District has entered into intergovernmental agreements
26 with Washington County (County) and the cities within the District's boundaries primarily affected

1 by the District's master plans to provide for an integrated system pursuant to the District's master
2 plan for sanitary sewer and storm and surface water management, and that these agreements provide
3 that the cities and County will observe the orders promulgated by the District; and

4 It appearing to the Board that the District previously adopted the existing Design and
5 Construction Standards by Resolution and Order No. 04-9 (R&O 04-9) in 2004; and

6 It appearing that the existing rules and regulations of the District contained in R&O 04-9 are
7 in need of revision to clarify current policy and procedure, increase flexibility, improve consistence
8 in implementation, and reflect new technologies and requirements necessary to ensure proper
9 function of sanitary, storm water and surface water management facilities; and

10 It appearing to the Board that the revised rules, contained in Exhibit A attached hereto and
11 by this reference incorporated herein, serve to reduce the adverse effects to water quality and
12 quantity of any construction or site alteration and will further safeguard the public health and safety
13 and the operations of the District's sanitary and storm and surface water system, to aid the District
14 in achieving compliance with the rules and requirements of the Oregon Department of
15 Environmental Quality, to coordinate the District's planning and actions with the comprehensive
16 plans of the cities and County as those entities comply with Title 3 of Metro's Urban Growth
17 Management Functional Plan, and to further efforts to improve the water quality of the Tualatin
18 River and its tributaries; and

19 It appearing to the Board that the District has conducted an extensive program of public
20 information regarding the adoption of these rules, including meeting with cities within the District
21 and with representatives of the County, and providing information and copies of the proposed rules
22 to those entities and members of the public; and

23 It appearing to this Board that it has conducted a public hearing regarding the adoption of
24 these rules and regulations this date and that any person affected by the proposed rules had an
25 opportunity to testify, and that public notice of such hearing was given in accordance with
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1 Ordinance 27, Section 8.2 by publication in a newspaper of general circulation within the District's
2 service district boundary; and

3 It appearing to this Board that it is appropriate to adopt the rules contained in Exhibit A
4 relating to sanitary sewer and storm and surface water management design and construction, erosion
5 control, and water quality and floodplain protection, and the Board being fully advised in the
6 premises; it is therefore,

7 **RESOLVED AND ORDERED** that the rules and regulations relating to construction
8 standards for sanitary sewerage facilities, storm and surface water management facilities, erosion
9 control, permanent water quality and quantity facilities, required permits for connection to the
10 stormwater system, and related matters contained in Exhibit A are hereby adopted; and it is further

11 **RESOLVED AND ORDERED** that R&O 04-9 is hereby repealed, provided, however, that
12 all permits issued, enforcement actions, and other actions taken pursuant to said Resolution and
13 Order prior to the effective date of this resolution shall remain in full force and effect; and it is
14 further

15 **RESOLVED AND ORDERED** that the District or its designee shall review all development
16 plans and site assessments required by these rules and specify in a certification letter to the city or
17 county responsible for land use review of the proposed development what conditions must be met
18 by the applicant in order for the District or its designee to issue a stormwater connection permit
19 pursuant to District Ordinance 27 and these rules and regulations; and it is further

20 **RESOLVED AND ORDERED** that final stormwater connection permits shall be issued by
21 the District or its designee upon confirmation that the development approved through the land use
22 review or through other development permit process is consistent with the conditions required in the
23 certification letter or revisions thereto; and it is further

24 **RESOLVED AND ORDERED** that administration of the rules and regulations contained in
25 Exhibit A may be delegated to individual cities and to the counties as the District's designees only

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1 pursuant to intergovernmental agreements that specifically provide for such delegation and it is
2 further

3 **RESOLVED AND ORDERED** that the General Manager is hereby authorized and directed
4 to take such steps as are necessary to finalize Exhibit A, including but not limited to removing
5 "Reader Notes," and removing underline and strike-outs to produce a final version that can be
6 published and available to the public. These changes shall not affect the substance of the rules; and
7 it is further

8 **RESOLVED AND ORDERED** that this Resolution and Order shall take effect for all
9 development and construction permit applications received on or after June 1, 2007. More
10 specifically:

- 11 • New land use and building permit applications accepted by the land use authority on or
12 after June 1, 2007 must be accompanied by a Clean Water Services Service Provider
13 Letter dated on or after June 1, 2007 or one dated before June 1, 2007 which specifically
14 references compliance with this Resolution and Order.
- 15 • Modifications to Service Provider Letters for land use or building permit applications
16 which were accepted by the land use authority before June 1, 2007 will be reviewed and
17 processed for compliance with the rules under which the Service Provider Letter was
18 originally issued.
- 19 • Construction drawings submitted for Site Development and/or Erosion Control Permits
20 will be reviewed under this Resolution and Order if initially accepted by the District/City
21 on or after June 1, 2007; earlier submittals will be reviewed under R&O 04-09.

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1 DATED this 17th day of April, 2007.

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3 CLEAN WATER SERVICES
By its Board of Directors

4
5 Tom Busin
Chairman

6
7 Barbara Hejtmanek
Recording Secretary

	AYE	NAY	ABSENT
6 BRIAN	✓	—	—
SCHOUTEN	✓	—	—
7 STRADER	✓	—	—
ROGERS	—	—	✓
8 DUYCK	—	—	✓

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